

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELIZABETH STEFFENBERG,

Plaintiff,

v.

**T. GENE GILMAN, STEVEN GILMAN,
THE GILMAN INSURANCE AGENCY, INC.,
DAVID M. SCOLL, ARBOR SECURITIES, LTD.,
ALLIANCE INVESTMENT MANAGEMENT,
COMMONWEALTH FINANCIAL HOLDINGS,
INC., FINANCIAL LINKS, INC., T. GILMAN &
CO., LTD., PENSON FINANCIAL SERVICES,
INC., AVIVA LIFE INSURANCE COMPANY,
TRADETEK, LTD., and TRADETEK, LLC,**

Defendants.

**Civil Action No.
04-40113-FDS**

ORDER

An issue has arisen as to whether Aviva USA Corporation is presently a defendant in this action. Without resolving this issue, all parties agree that Aviva USA Corporation should be dismissed; the only issue is whether it should be dismissed with or without prejudice.

For the reasons stated in oral argument at the initial conference held on January 11, 2005, Aviva USA is hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge

Dated: January 11, 2005